

**TOWN OF ELSMERE
PLANNING COMMISSION
MEETING MINUTES
November 7, 2012
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Chairman Lindell – Present
Commissioner Hurst – Present
Commissioner Anderson – Absent
Commissioner Swain – Present
Commissioner Skipski – Present
Commissioner Russo – Present
Commissioner Backer – Present

APPROVAL OF MINUTES:

Approval of the Minutes from the October 2, 2012 Planning Commission Meeting

ACTION: Commissioner Russo made a motion to approve the Minutes from the October 2, 2012 Planning Commission Meeting as transcribed. The motion was seconded by Commissioner Backer.

VOTE: All in favor with one absent Motion carried

NEW BUSINESS:

Review Petition 12-33 Tax Parcel # 1900-400-029

John Behrens introduced himself as the owner of the property at 1301 Kirkwood Hwy. He stated the bottom floor of the property has been vacant for some time and is looking to put a tenant in.

Chairman Lindell stated they were there for a change of use for the unit for either a credit agency or chiropractic office. He then referred to Exhibit 12-33B which stated approved uses for the property that's located in a Community Commercial District and noted that both "credit agency" and "medical or health services" were on the list.

Chairman Lindell stated the property, because of where it's located, is subject to traffic from school children and such and the proposed tenants would need to be made aware of this and told to follow the parking and traffic regulations along Poplar Ave.

Commissioner Backer asked the Town Manager and Code Enforcement Officer if the tenant was approved to go into the building, would they need to come before the Commission to see that they meet the criteria.

Town Manager Giles said they would not.

Commissioner Swain asked what the Code defines a "credit agency" as.

Town Manager Giles said the Code does not define "credit agency".

Commissioner Swain then asked Mr. Behrens if he was looking to put a "payday loan" store in the unit.

Mr. Behrens said that he was.

Commissioners Backer and Russo said that, to them, "payday loan" places are not "credit agencies".

Town Manager Giles stated that, to him, both of those uses are office uses, and that the Commission is there to decide whether or not to allow the Change of Use.

Mr. Behrens stated that the tenants never discussed any business of check-cashing with him. He said the name of the business is "ABC Lending Corporation".

Mrs. Joann Personti introduced herself as the owner of 108 Jefferson Ave. and stated that she had a letter to read from Mrs. Pam Vassalotti from 3 Poplar Ave. She proceeded to read the letter labeled as "Exhibit 12-33O".

Commissioner Swain stated that the property has been vacant for 3 years and he feels that they should give Mr. Behrens a chance to have a tenant in the property, so long as he makes the tenants aware of regulations set forth by the Town.

Town Manager Giles asked if Mr. Behrens would consider making the lease of the unit for a short period of time in order to make it so if a problem were to arise, he would not renew the lease.

Mr. Behrens said he would listen to all proposals the Town had in regards to the use of the property and would be compelled to consider them. He also said that the gentleman he's met with several times, which runs the company's New Castle location, said he would be the only employee at the business, at least for as long as he can tell. He then stated that he believes the hours of operation are to be 9am-8pm.

The Code Enforcement Office stated they received no letters from anyone for or against the petition.

Councilwoman Personti stated that she received nothing but the letter from Mrs. Vassalotti regarding the petition.

ACTION: Commissioner Swift made a motion to approve the Petition 12-33. The motion was seconded by Commissioner Backer.

VOTE: All in favor with one absent Motion carried

OLD BUSINESS:

Review of the Comprehensive Plan

A general discussion was held regarding the Comprehensive Plan.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Commissioner Russo to adjourn. Commissioner Backer seconded the motion.

VOTE: All in favor with one absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the November 7, 2012 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

CHARLES LINDELL, CHAIRMAN

LEON BACKER, SECRETARY